

REMARKS

This responds to the Office Action mailed on November 16, 2005, and the references cited therewith.

Claims 10 and 20 are amended, no claims are canceled, and no claims are added; as a result, claims 10-21, 23-26, and 29-32 remain pending in this application.

§103 Rejection of the Claims

Claims 10-17, 20, 21, and 29-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Franck et al (U.S.6,529,765) in view of Truwit (U.S. 6,206,890). Applicant respectfully traverses the rejection for at least the following reasons.

The rejection states that Franck discloses a local adjustment device and an actuator coupled to the local adjustment device. The rejection admits that Franck does not disclose a remote actuator spaced apart from the local adjustment device to locate the actuator outside an imaging region of the imaging device while the local adjustment is within the imaging region of the imaging device. The rejection states that Truwit shows in Figures 30-32 a mechanical remote actuation and control device 3000.

Truwit appears to show a “remote actuation and control device 3000” (column 14, lines 26-27). However, Applicant is unable to find in Truwit an actuator *detachably* coupled to the local adjustment device, wherein the actuator is spaced apart from the local adjustment device to enable location of the actuator outside an imaging region of the imaging device while the local adjustment device is within the imaging region of the imaging device. Embodiments shown in Figures 30-32 of Truwit do not appear to be detachable.

In contrast, claim 10 as amended includes an actuator detachably coupled to the local adjustment device, wherein the actuator is spaced apart from the local adjustment device to enable location of the actuator outside an imaging region of the imaging device while the local adjustment device is within the imaging region of the imaging device. Further in contrast, claim 20 as amended includes detaching the actuator from the local adjustment device upon completion of a procedure. Support for the amendments can be found in the specification in general, and at least on page 10, line 26 to page 11 line 7. Regarding detachable actuators, this section states that a more expensive actuator “can be reused, potentially without intensive sterilization, and the

trajectory device can be more easily sterilized, or alternatively, disposed of after each procedure.”

Further, claim 15 recites a first reference device including a conducting coil capable of locating the insertion axis in three dimensional space relative to the patient. Applicant is unable to find such a conducting coil in Franck.

Because the cited references, either alone or in combination, do not show every element of Applicant's independent claims, a 35 USC § 103(a) rejection is not supported by the references. Reconsideration and withdrawal of the rejection are respectfully requested with respect to Applicant's independent claims 10 and 20. Additionally, reconsideration and withdrawal of the rejection are respectfully requested with respect to the remaining claims that depend therefrom as depending on allowable base claims.

Claims 18, 19, and 23-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Franck et al (U.S. 6,529,765) in view of Truwit (U.S. 6,206,890), and further in view of Lee et al (U.S. 3,893,449). Applicant respectfully submits that the additional reference of Lee fails to cure the rejection based on Franck and Truwit for at least the reasons outlined above.

Because the cited references, either alone or in combination, do not show every element of Applicant's independent claims, a 35 USC § 103(a) rejection is not supported by the references. Reconsideration and withdrawal of the rejection are respectfully requested with respect to claims 18, 19, and 23-26.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6944 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.


Respectfully submitted,

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By their Representatives,

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Date 2-16-06

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 16th day of February, 2006.

PATRICIA A. HULTMAN

Name


Signature